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November 9, 2020

VIA ECF

Honorable Peggy Kuo
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Hyunjung Ki v. City of New York, et al.,
20-CV-4343 (ARR) (PK)

Your Honor:

I am the attorney in the office of Georgia M. Pestana, Acting Corporation Counsel of the City of New York, assigned to the defense of the above-referenced matter. For the reasons discussed herein, defendants City of New York and Dermot Shea (“defendants”) write, with plaintiff’s consent, to respectfully request an enlargement of time of sixty (60) days, from November 10, 2020 until January 11, 2020, to respond to the Complaint.¹ In addition, defendants write to respectfully request that the Court adjourn the previously scheduled December 11, 2020 deadline for the parties to file a jointly proposed discovery plan and the December 17, 2020 initial pre-trial conference, until after such time defendants have responded to the Complaint. This is the first request for an enlargement of these deadlines.

By way of background, plaintiff Hyunjung Ki filed the Complaint in this action on September 16, 2020, alleging, *inter alia*, that on October 8, 2019, she was falsely imprisoned by NYPD Officer Hyun Kim and Sergeant Jung Kim. *See* Civil Docket Sheet, Entry No. 1 at ¶28. Defendant City of New York was served with the Complaint on October 20, 2020, making its response to the Complaint due November 10, 2020.

¹ The individuals identified by plaintiff in the Complaint as New York City Police Department (“NYPD”) Officer Hyun Kim and Sergeant Jung Kim have not been served with process and as such, are not defendants in this action.

Defendants request this sixty (60) day enlargement of time so that they can investigate the underlying incident. In order to do so, we need to determine whether there was any investigation into the matter, and if so, obtain any records from that investigation. Defendants must also obtain any police records that may have been made. Only after defendants have obtained the relevant records, will they be able to respond to the Complaint in accordance with Federal Rule of Civil Procedure 11.

For the reasons set forth above, defendants respectfully requests an extension of time to respond to the Complaint until January 11, 2021. This Office also requests that the Court adjourn the previously scheduled deadlines to submit the jointly proposed discovery schedule and the initial pre-trial conference until such time after the defendants have responded to the Complaint. Defendants thank the Court for its time and attention to this matter.

Respectfully submitted,

Mostafa Khairy /s/
Mostafa Khairy
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **BY ECF**
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Attorney for Plaintiff